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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 16- 0049
)	
Linda L. Hager, an individual;)	
)	
and)	
)	16-0050
Edward E. Ruyle, an individual,)	
)	
Respondents)	Complaint

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (AWA or Act), and the regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*) (Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Linda L. Hager is an individual whose mailing address is P.O. Box 844, Crab Orchard, NE 68332. At all times pertinent herein, Respondent Hager was a dealer as that term is defined in the AWA and the Regulations, and until May 7, 2014, held AWA license number 47-A-0410. Together with respondent Ruyle, Respondent Hager operates a commercial dog breeding facility at 375 Howard Street, Crab Orchard, NE 68332.

2. Edward E. Ruyle is an individual whose mailing address is P.O. Box 844, Crab Orchard, NE 68332. At all times pertinent herein, respondent Ruyle was a dealer as that term is defined in the AWA and the Regulations. Together with respondent Hager, Respondent Ruyle operates a commercial dog breeding facility at 375 Howard Street, Crab Orchard, NE 68332.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENTS' BUSINESS, THE GRAVITY OF THE ALLEGED VIOLATIONS, AND RESPONDENTS' GOOD FAITH

3. Respondents operate a large business breeding and dealing in dogs. The gravity of the violations alleged in this complaint is great, and include repeated instances in which respondents Hager and Ruyle failed to provide APHIS inspectors access to conduct inspections of respondents' animals, facilities and records, and failed to provide adequate veterinary care to animals. Respondents have not shown good faith, having continued to operate as dealers without holding a valid license.

ALLEGED VIOLATIONS

4. On seven (7) occasions (October 11, 2011, October 17, 2011, January 9, 2012, March 27, 2012, July 9, 2012, March 7, 2013, and March 24, 2014), Respondents failed to provide APHIS inspectors access to their facilities, records and animals, and failed to have a responsible person available to conduct inspections on their behalf, during normal business hours, in willful violation of section 2146(a) of the Act (7 U.S.C. § 2146(a)) and section 2.126(a) of the Regulations (9 C.F.R. § 2.126(a)).

5. From on or about May 14, 2014, through on or about June 27, 2015, Respondents conducted a dealer operation, as that term is defined in the Act and the Regulations, without being licensed by the Secretary to do so. Specifically, Respondents, in commerce, offered for sale, delivered for transportation or transported, and/or sold 224 puppies and one (1) cat, on 36 separate dates, in violation of section 2134 of the Act (7 U.S.C. § 2134) and section 2.1(a) of the Regulations (9 C.F.R. § 2.1(a)). These sales are detailed in Appendix A attached hereto.

6. On or about July 28, 2011, Respondents willfully violated sections 2.40(a) and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(b)(2)), by failing to provide adequate veterinary care for the following animals, and by failing to have established and failing to maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, diagnose, and treat diseases and injuries:

a) A dog without USDA identification had visible eye problems, and specifically the dog's eyes were enlarged, discolored and appeared to be abnormally dry.

b) A dog without USDA identification was excessively matted, and the dog's skin appeared inflamed.

c) A dog without USDA identification was matted, was drooling excessively, and had swollen gums, missing cheek teeth, and brown material on the canine teeth.

d) A Cocker Spaniel without USDA identification had excessive, soiled matting in its ear flap.

e) A dog (tag #259) had excessive matting and there was fecal matter mixed with tangled hair around the dog's anus.

f) A dog (Coco) without USDA identification was extremely matted, and had inflamed skin, swollen gums, and a brown buildup on its teeth.

g) A dog (tag #67) had excessively matted hair.

h) A dog (tag #65) wore a collar that was too tight, resulting in hair loss and inflammation around the dog's neck.

7. On or about August 4, 2011, Respondents willfully violated sections 2.40(a) and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(b)(2)), by failing to provide adequate

veterinary care for a dog (tag #267), and by failing to have established and to maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, diagnose, and treat diseases and injuries, and specifically, the interior of both of the dog's ears was swollen, the skin was ridged and black, and the ear canals were not visible.

8. On or about March 26, 2014, Respondents willfully violated sections 2.40(a) and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(b)(2)), by failing to provide adequate veterinary care for the following animals, and by failing to have established and failing to maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, diagnose, and treat diseases and injuries:

a) A female, adult, tricolored Papillion (Evie or EV) had a white, hazy discoloration on the surface of her left eye. Respondent Hager told the APHIS inspector that Evie had given birth on March 22, 2014, and had "mastitis." Respondent Hager did not obtain veterinary care for Evie or for Evie's puppies, which were not eating well, and the APHIS inspector observed that one of the puppies was thin and abnormally quiet and immobile. That puppy died during the APHIS inspection.

b) A female, adult, silver poodle without identification had a matted coat and a white, opaque area on its left eye.

c) A female, adult, black and tan Yorkshire terrier (tag #148) had brown material coating her upper cheek teeth (premolars and molars) and approximately half of the upper canine teeth on both sides, and receded gums with a white discharge.

d) A female, adult, black and white poodle (Phantom, tag #271) had a visible buildup of brown material on her left upper cheek teeth and canine tooth, a heavy coating

of brown material coating the entire surface of her right upper cheek teeth, receded gums, and a white discharge at the gum line of the upper left cheek teeth.

e) A female, adult, white poodle (tag #190) had a matted coat.

f) A male, adult, brown poodle (microchip #080560100) had discolored eyes, the right eye had an area of white opacity and the left eye was pink and swollen and exuded a brown discharge, and the dog's upper cheek teeth and canine teeth were coated with brown material, and one of the dog's cheek teeth was loose.

g) A male, adult, apricot poodle (Carrot Top) was matted, and had dry, flaking skin, receded gums, brown material coating his teeth, and a creamy discharge along the gum line on the upper left side.

h) A female, adult, cream/apricot poodle (tag #370) had three significant lumps under the skin in the area of the abdomen close to the rear legs.

i) A female, adult, apricot poodle (tag #199) had brown material coating her teeth, swollen gums and a white discharge on the upper left side near the cheek teeth.

j) A female, adult, black poodle (tag #353) had a matted coat and long toenails.

k) A male, adult, white/cream poodle (tag #388) had a swollen and protruding penis, fecal matter caught in the matted coat around his rear end, a heavy coating of brown material on his teeth, and a cracked, loose cheek tooth.

l) A female, adult, cream poodle (microchip #081887550) had receded gums, and brown material coating her upper teeth.

m) A male, adult, cream poodle (tag #076) had red, receded gums, loose teeth, and brown material on his teeth.

n) Two adult dogs, a chocolate poodle (Cocoa Mist) and a black and white Havanese, had matted coats.

o) A female, adult, black and white Havanese (microchip #016103303) had red, receded and swollen gums, and brown material on her teeth, with a creamy white discharge.

p) A female, adult, tricolored Havanese (tag #215) had severely receded gums, brown material on her teeth, a loose tooth, and a creamy discharge at the gum line.

q) A male, adult, black and white Shih Tzu (tag #062) had an enlarged left eye that was red, cloudy in appearance and had an uneven surface, with a small circular indentation and a creamy discharge.

r) A female, adult, black and white Shih Tzu (Kirby) had receded gums, a coating of brown material on her teeth, and a creamy discharge along the gum line.

s) A male, adult, buff colored Shih Tzu (tag #367) was matted, the chain for his identification tag was entwined in his coat, and the skin around his neck was reddened, and the dog's eyes were red with enlarged blood vessels and exuded a green/brown discharge, the left eye had a cloudy appearance and the surface of the right eye had a brown discoloration.

t) A female, adult, brindle, Shih Tzu (Lou Lou) had an abnormal right eye, and specifically the eye appeared to be smaller than the left eye, there was thick exudate around the eye, the white of the eye was swollen and the surface of the eye was uneven.

u) A male, adult, black and white Shih Tzu (tag #324) had mats, dry skin, receded gums, brown material on his teeth, and yellow discharge at his gum line.

v) A female, adult, buff colored Shih Tzu (tag #107) was matted, with embedded fecal matter in the mats, and she had brown material on her teeth and a creamy discharge around the gum line.

w) A male, adult, buff colored Shih Tzu (tag #224) had a tightly matted coat, including on his face and around his eyes, with a crusty discharge around his eyes.

x) A female, adult, black and white Shih Tzu (tag #397) had an accumulation of brown material on her upper and lower left cheek teeth.

y) A male, adult, white and cream Pomeranian (Skippy) had reddened gums, brown material on the upper and lower cheek teeth on both sides, foreign material embedded in the brown material, and a creamy discharge at the gum line.

z) A female, adult, tricolored Pomeranian (Pixie) had hair loss revealing bare skin on both sides of her body over the ribs, lower back, and right flank, her skin was dry and red, and there was an accumulation of brown material on her teeth and a discharge along her gum line.

aa) A female, adult, red and white Pomeranian (Rosie) had red, severely receded gums, and an accumulation of brown material on the surfaces of her cheek and canine teeth.

bb) A male, adult, red and white Pomeranian (Wonder) had red, receded gums, missing teeth, a broken tooth with a gap or hole near that tooth, an accumulation of dark material on the right canine tooth, and a clear and yellow/green discharge from the right nostril, and appeared to have difficulty breathing through his mouth.

cc) A female, adult, cream Pekingese (Moochie) had a significant lump on her abdomen near the umbilicus, one of her eyes was smaller than the other eye, and was red, with a cloudy appearance on the surface, and there was a discharge from that eye.

dd) A female, adult, black Pekingese without identification had a large, firm lump under the skin on the left side of the abdomen near the rear leg.

ee) A male, adult, white Bichon (tag #356) had soiled mats on his chest, back of the head, and the base of his tail.

ff) A female, adult, white Bichon (Harriet) was matted, and there was brown material on her cheek teeth and a milky discharge along her gum line.

gg) A female, adult, beagle without identification had a white discoloration covering the entire surface of her right eye, and hair loss and bare skin over the top of her rump around the top of her tail.

hh) A male, adult, piebald dachshund (Herman) had red and receded gums, an accumulation of brown material on the teeth, and foreign matter embedded in the brown material.

ii) A female, adult, red and black dachshund (Garnet) had receded gums, a loose tooth, missing teeth, brown material on her teeth, and a discharge along the gum line.

jj) A black and tan, adult, dachshund (tag #011) had receded gums, missing teeth, an accumulation of brown material on the remaining teeth, and jaw malocclusion.

kk) A female, adult, blonde Yorkshire terrier (tag #381) was thin and had a loose tooth, an accumulation of brown material on her teeth, and a green discharge on the gum line of the upper cheek teeth on the right side.

ll) A female, adult, white poodle (tag #219) had missing and loose teeth, an accumulation of brown material on her teeth, and a white discharge along the left gum line.

mm) A female, adult, white/cream poodle (tag #252) had receded gums, and brown and white material covering her upper cheek teeth on the right side.

nn) A female, adult, gray and tan, Yorkshire terrier without identification had visible eye, teeth, and skin problems, and was abnormally thin. Specifically, the dog's right eye was discolored, and the left eye had an area of opacity; the dog had receded gums, a discharge along the gum line, a cracked tooth, and an accumulation of brown material on her teeth; the dog had hair loss and bare skin on her forelegs, front feet, hocks, and tail; and the dog was thin with protruding backbone and hips.

oo) A female, adult, white Maltese without identification had an accumulation of tartar on her teeth, receded gums and a discharge along the gum line of the upper cheek teeth.

pp) A male, adult, brown Chihuahua (tag #145) had large pupils with an area of opacity, brown material on the upper back cheek teeth on both sides of his mouth, with a white discharge along the gum line of the upper left cheek teeth.

qq) A female, adult, black and tan, miniature Doberman pinscher without identification had receded gums, a discharge exuding from the gums on both sides of her mouth, and a significant area of swelling between her vulva and anus.

rr) A female, adult poodle (tag #194) had a matted coat.

ss) A male, adult, buff and white Shih Tzu (tag #267) had a matted coat.

tt) A female, adult, buff and white Shih Tzu (tag #327) had a matted coat.

uu) A male, adult, buff colored Shih Tzu (Spooky) had a matted coat.

vv) A female, adult, black poodle (tag #389) had a matted coat.

9. On or about April 15, 2014, Respondents willfully violated sections 2.40(a) and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(b)(2)), by failing to provide adequate veterinary care for the following animals, and by failing to have established and failing to maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, diagnose, and treat diseases and injuries:

a) A black and tan, adult, dachshund (tag #011) had receded gums, missing teeth, an accumulation of brown material on the remaining teeth, and jaw malocclusion.

b) A female, adult, black and white Havanese identified by microchip #016103303 had brown material completely coating and obscuring the upper cheek teeth on both sides and on most of the upper canine teeth, receded gums, a white discharge, and foreign material embedded in the brown matter and the white discharge.

c) A female, adult, black and white Shih Tzu (Rosie) had brown material on her left upper cheek teeth and canine tooth, her lower left jaw was thickened, there was evidence of abnormal grinding and grittiness in the bone of the lower jaw, and the dog was very sensitive about and resistant to inspection of her mouth.

d) A female, adult, white poodle (tag #219) had missing and loose teeth, a heavy accumulation of brown material on her canine teeth and remaining cheek teeth, swelling, and a white discharge and/or debris in the gap around her loose teeth.

e) A male, adult, brown Chihuahua (tag #145) had an accumulation of brown material on the upper back cheek teeth on both sides of his mouth, loose teeth, and a white discharge along the gum line of his upper left cheek teeth.

f) A female, adult, black and tan Yorkshire terrier (tag #148) had a buildup of brown material on her upper teeth, loose upper and lower incisors, receded gums, and a white discharge exuding from the gums.

g) A female, adult, black and white poodle (Phantom, tag #271) had a buildup of brown material on her teeth.

h) A female, adult, apricot poodle (tag #199) had brown material coating the upper cheek teeth and canine teeth on both sides and swollen gums.

i) A female, adult, cream poodle (microchip #081887550) had receded gums and brown material on her upper cheek teeth and upper canine teeth.

j) A male, adult, cream poodle (tag #076) had brown material coating his upper cheek teeth and most of the canine teeth, three loose cheek teeth, severely red and receded gums, and a white discharge at the gum line of the cheek teeth.

k) A female, adult, tricolored Havanese (tag #215) had brown material on her upper cheek teeth, a creamy discharge at the gum line, severely receded gums, and loose cheek teeth on the upper right and left sides.

l) A female, adult, black and white Shih Tzu (Kirby) identified by microchip #015834303 had a coating of brown material on the lower cheek teeth, receded gums, and broken and/or worn upper canine teeth.

m) A female, adult, black and white Shih Tzu (tag #397) had a loose cheek tooth, a thick accumulation of brown material on the upper and lower left cheek teeth, receded gums, and excessively long toenails.

n) A female, adult, white poodle (tag #386) had a loose tooth, brown material on her upper cheek teeth, receded gums, and a white discharge at her gum line.

o) A female, adult, white/cream poodle (tag #252) had a coating of brown and white material on her upper cheek teeth on the right side, receded gums, and a discharge on the upper right gum line.

p) A black and white Havanese (tag #215) had a matted coat and Respondent Hager advised APHIS that the dog could not be safely inspected.

10. On or about July 28, 2011, Respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the standards for dogs, as follows:

a) Respondents failed to keep interior surfaces in contact with dogs free of jagged edges and sharp points that might injure the animals, and specifically, there was broken vinyl-coated wire along the bottom of the pens and around the doorways that protruded into the enclosures and a raised, outdoor run, and wire with sharp points protruding down into the area containing the dog feeder. 9 C.F.R. § 3.1(c)(1)(ii).

b) Respondents failed to spot-clean hard surfaces as required, and specifically primary enclosures had heavy accumulations of waste and/or brown grime on the metal doors, metal feeders, plastic walls and/or dividers, and Igloo shelters, and respondents' automatic water dispensers had an accumulation of black to green algae or grime build-up. 9 C.F.R. § 3.1(c)(3).

11. On or about August 4, 2011, Respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the standards for dogs. Specifically, Respondents failed to maintain structurally sound housing facilities that contained the animals securely, as a dog in an outdoor primary enclosure was able to stick its head completely outside the chain link fencing next to the gate post. 9 C.F.R. § 3.1(a).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have violated the Act and the Regulations, this complaint shall be served upon Respondents, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*)(Rules of Practice). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that unless respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing, upon motion pursuant to section 1.141(b) of the Rules of Practice, and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 5th day of February 2016



Administrator
Animal and Plant Health Inspection Service

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